

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED
MAR 2 2006

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY DS DEPUTY

BARBARA ROMAN,
Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security
Administration,
Defendant.

No. CIV-05-52-W

ORDER

On January 17, 2006, United States Magistrate Judge Shon T. Erwin issued his findings in this matter and his recommendation that the Court reverse the decision of the defendant, Jo Anne B. Barnhart, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits and the Application for Supplemental Security Income filed by plaintiff Barbara Roman, and remand the matter to the Commissioner for further proceedings. The parties were advised of their right to object, and the matter now comes before the Court on the Commissioner's Objection to the Findings and Recommendation.

Upon de novo review of the record, the Court concurs that reversal of the Commissioner's decision as well as remand of this matter for further proceedings is warranted for the reasons stated by Magistrate Judge Erwin. Such actions will afford the administrative law judge the opportunity to reconsider inter alia the severity of Roman's shoulder impairment at step two of the five-step sequential evaluation process.

Accordingly, the Court

(1) ADOPTS the Findings and Recommendation issued on January 17, 2006;

(2) REVERSES the Commissioner's decision to deny Roman's Application for Disability Insurance Benefits and her Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with Magistrate Judge Erwin's Findings and Recommendation and this Order; and

(4) ORDERS that judgment issue forthwith.

ENTERED this 2nd day of March, 2006.

A handwritten signature in black ink, appearing to read "Lee R. West", written over a horizontal line.

LEE R. WEST
UNITED STATES DISTRICT JUDGE